CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JANUARY 17, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Rev. Gary Hanson of Grace Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Director of Recreation and Parks Posada, Fire Chief Ortiz, Director of Utilities Chisam, Director of Public Works/City Engineer Sweet, Solid Waste/Utilities Engineer Zhao, Building Division Manager Marshall, Senior Deputy City Attorney Stockton, Streets and Facilities Manager Ferrari, Grants Administrator Coelho-Hudson, Police Sergeant Haley, and Chief Deputy City Clerk Perez.

RESOLUTION HONORING ROBERT SLY
Mayor Lavagnino read Resolution No. 2006-08 commending Robert Sly for nine years of devoted service to the City as a member of the Landmark Committee.

Resolution No. 2006-08 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-08 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA COMMENDING SANTA MARIA LANDMARK COMMITTEE MEMBER ROBERT SLY FOR HIS NINE YEARS OF DEDICATED SERVICE TO THE CITY OF SANTA MARIA.

Mayor Lavagnino presented the resolution to Robert Sly.

PROCLAMATION – RESPECT FOR LIFE WEEK
Councilmember Patino read a proclamation declaring the week of January 18 – 22, 2006, as "Respect for Life Week" in the City of Santa Maria. The proclamation was accepted by Jan Rush.

PUBLIC COMMENT
Dave Ericson spoke regarding an article in the Santa Maria Times entitled "Working on Immigration Solutions" by Patrick Quintana, the Neighborhood Watch program and his concerns which are not covered by Neighborhood Watch, and his previous suggestion that Police Chief Macagni give a short report at Council meetings.

Rev. William Smith expressed concerns regarding Police Department actions against citizens who were treated unfairly. He suggested that if the Police Department was going to be more aggressive, they should let the public know what to expect.

Valerie Ann Roland spoke regarding transitional housing and a violation of her rights. She felt she was being discriminated against. She only had eight days left to stay in Good Samaritan Shelter and wanted to know what her alternatives and rights were.

CONSENT CALENDAR
Councilmembers Trujillo and Mariscal asked to discuss Item 3J. Mayor Lavagnino announced that he had a request from Dave Ericson to speak on the Consent Agenda.

Dave Ericson commented that he felt the requirements on the agenda which restricted individuals to speaking on non-agenda items, Closed Session items, and Consent Agenda items during the Public Comment period was a violation of the Brown Act. He said most of the items on the Consent Agenda were typical types of items, but sometimes there were items that ought to be addressed by the public. He indicated that he had provided staff with copies of how the Santa Maria-Bonita School District handles public comment and was much more comfortable with that format.

City Attorney Trujillo indicated that he had met with Mr. Ericson. The Brown Act requires that the public be allowed to comment either during or before any action item. By placing the Public Comment period before the Consent Calendar, the City is satisfying that requirement. He said he was confident that the City was not violating the Brown Act with the agenda as it is written.

Item 3J – Award of Bid for the North Blosser Road Widening, Main Street to Taylor Street.

Councilmember Trujillo stated he wanted to inform the public that this project is another project that staff has had on the books to try to improve the City's roads. This is a $3 million project that will really enhance that area.

Councilmember Mariscal stated at the public forum last week, one of the things that was discussed was the half cent sales tax that currently exists in Santa Barbara County called Measure D. Measure D was approved by the voters in 1989, and that half cent sales tax is used for repair and upkeep of roads. Seventy cents on the dollar of that money comes back to the City of Santa Maria. The people who attended that forum were pleased with the way the City maintains its roads; however, one of the areas that was mentioned was North Blosser Road. The City has not been taking as good of care of that portion of North Blosser Road recently knowing that a complete rebuild from Main Street to Taylor Street would be done. This project is being funded by gas tax money and Measure D money. Measure D is up for reauthorization, possibly in November 2006, and asked that the voters reauthorize Measure D.

Mayor Lavagnino read from the staff report what would be included in this project.

Consent Calendar Items A through K were approved with the indicated action on motion by Councilmember Trujillo, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of January 3, 2006, were approved as submitted.

C. RELEASE OF BOND
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond posted in connection with Texaco-Hobbs, Tract 5723, in

the reduced amount of $25,000 for the construction and installation of public improvements, with an order that the Contractor, Labor and Material Bond be held until June 2006 and the Guarantee and Defective Material Bond be held until January 2007.

D. RELEASE OF BOND
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance bond posted in connection with Dal Porto Villas, Tract 5790, in the amount of $805.60 for the installation of street and easement trees.

E. WARRANTS
Warrant Nos. 124800 to 125009 in the amount of $3,321,072.31 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 124028 and 124554 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

G. VTC ENTERPRISES
Resolution No. 2006-09 was adopted approving an amendment to the allocation of Fiscal Year 2005-06 Community Development Block Grant (CDBG) funds to VTC ENTERPRISES to ensure that none of the allocated funds will be used in structures that will be impacted by the future extension of McCoy Lane.

Resolution No. 2006-09 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AMENDMENT TO THE PROJECT SCOPE OF WORK FOR THE ALLOCATION OF FISCAL YEAR 2005-06 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO VTC ENTERPRISES.

H. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing restaurant for La Isla Restaurant located at 101 N. Depot, Suite E, was noted and filed.

I. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business for Little Store located at 501 E. Boone Street was noted and filed.

J. AWARD OF BID
Resolution No. 2006-10 was adopted awarding a bid and approving an agreement with Union Asphalt, Inc., Bid No. 2006/03, North Blosser Road Widening from West Main Street to Taylor Street in the amount of $3,444,470.50.

Resolution No. 2006-10 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH UNION ASPHALT, INC. FOR NORTH BLOSSER ROAD WIDENING FROM WEST MAIN STREET TO TAYLOR STREET, BID NO. 2006/03.

K. TWO-WAY STOP
Resolution No. 2006-11 was adopted approving the establishment of a two-way stop at the intersection of Orange Street and Concepcion Avenue.

Resolution No. 2006-11 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A TWO-WAY STOP AT ORANGE STREET AND CONCEPCION AVENUE PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

UPDATE TO THE ADA SELF-EVALUATION AND TRANSITION PLAN.
Senior Deputy City Attorney Stockton gave the staff report. Title II of the Americans with Disabilities Act of 1990 ("ADA") requires that services, programs and activities cities offer be accessible to people with disabilities. The ADA specifically requires cities to promote accessibility by naming an ADA coordinator, conducting a self-evaluation with input from the community, and adopting a transition plan for their existing facilities. Subsequent legal cases have suggested that cities should incorporate sidewalk and curb-cut accessibility into transition plans, and input from the community confirms that this is a very important accessibility priority for Santa Maria. The City's Recreation and Parks Department coordinated Santa Maria's initial self-evaluation in the early 1990s. In November 2004, the City Council recognized the importance of updating the self-evaluation by providing funds to hire a consultant to re-evaluate the City's existing facilities (buildings, parks and parking lots) for accessibility compliance. In February 2005, the Council approved a resolution hiring the consultant team of CMA/BOA to perform field work on 52 City facilities and prepare reports and a customizable database for the project. Staff conducted a meeting with interested members of the community including persons with disabilities and CAM/BOA to kick off the project in early spring. In May, CMA/BOA delivered information to staff in draft format. Staff met with community members to identify priorities for accessibility improvements. Community members identified specific issues and specific facilities as top accessibility priorities. The top priority issues are parking lot accessibility and safety, pavement installation and repair, accessible path of travel to buildings, operating mechanical doors, accessible rooms for public use, and accessible bathrooms that could accommodate large wheelchairs. The top priority facilities for accessibility upgrades are Elwin Mussell Center, City Hall, Veterans' Memorial Center, Minami Community Center, Atkinson Community Center, Abel Maldonado Community Youth Center, Paul Nelson Aquatics Center, and other City offices such as Community Development and Engineering. According to information provided by the consultant, it would cost $2,783,856 to make these eight facilities completely accessible in every detail; however, the law does not require such perfect accessibility. Accessibility to programs, facilities and services is required. The law also supports a regular financial commitment to accessibility by cities. Staff has already begun to make improvements at the Elwin Mussell Senior Center. At the Atkinson Community Center, input from the proposed plan is being incorporated into the design of a two-phased improvement project.

Streets and Facilities Manager Ferrari presented an overview of the improvements currently being undertaken at the Elwin Mussell Senior Center. These include three handicap parking spaces in more convenient locations suggested by the community, cuts through each landscape median, curb cuts to facilitate access to the west entry door, and parking lot lighting fixture improvements. If funding permits, the automatic door opener is programmed for replacement and an additional automatic opener will be added at another entrance. Staff is also obtaining quotes for resurfacing the parking lot asphalt when the weather warms in 2006.

Mayor Lavagnino asked if the City's new buildings were going to be built to meet ADA requirements.

Senior Deputy City Attorney Stockton indicated that was her intent.

Mayor Lavagnino opened the public hearing.

Ed Zoost stated he was a member of the Santa Maria Area Transit (SMAT) Advisory Committee. He asked for the Council's support on future funding for the SMAT transit system ADA improvements. He thanked the City for providing a SMAT bus to transport disabled people to the meeting so they could speak on this item.

Barry Stotts also thanked the City for providing transportation. He recommended the City Council adopt the plan and commended Senior Deputy City Attorney Stockton for her work with the community as the ADA Coordinator. He commended the City for being one of the few, if not the only entity, in the County to come forward with an up-to-date Self-Evaluation and Transition Plan. He said when the ADA was first signed into law, he was present in Washington D.C. for the ceremonies. He thanked the City Council and staff for their continued support.

Penny Leich stated that she did not live in Santa Maria, but she shopped in the City. She complimented the City for all that it has done so far. Of all the places she has been, Santa Maria was her first choice because it was trying so hard to help the disabled get around. She thanked the City Council and staff for listening to them and acting on it.

John Low stated he was from the Elwin Mussell Senior Center. He had met with Streets and Facilities Manager Ferrari and Senior Deputy City Attorney Stockton to discuss the improvements to the Senior Center. The City has already trimmed the trees to improve the lighting. The City has done a lot already to correct some of the concerns. He said they keep track of the volunteer hours at the Senior Center, and there have been 8,218 hours of volunteerism for last year. He said the senior clubs were trying to do their share and appreciated the Council and the City in doing their share.

Hearing no further requests to speak, Mayor Lavagnino closed the hearing.

Councilmember Patino thanked staff for the report and the plan and all the members of the public who assisted with the formation of the plan. She read from page 4 of the plan that the accessible sidewalks and curb ramps were made possible through two programs, Measure D funds and gas tax. It is important for the community to know that Measure D funds help the City do these improvements.

Resolution No. 2006-12 was adopted approving the update to the Self-Evaluation and Transition Plan on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-12 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE 2006 UPDATE TO THE CITY OF SANTA MARIA SELF-EVALUATION AND TRANSITION PLAN UNDER THE AMERICANS WITH DISABILITIES ACT, AND GIVING DIRECTION TO STAFF.

Mayor Lavagnino moved the County of Santa Barbara 10-Year Chronic Homeless Plan forward on the agenda to accommodate the members of the public in attendance from Santa Barbara.

COUNTY OF SANTA BARBARA 10-YEAR CHRONIC HOMELESS PLAN.
Grants Administrator Coelho-Hudson gave the staff report. The U.S. Interagency Council recently conducted a national study on homelessness. The study found that 10 percent of the overall homeless population are "chronically" homeless and use over 50 percent of the resources available to all homeless. The Bush Administration recognized this drain of limited community resources and set a goal to end chronic homelessness nationwide within ten years. HUD now awards higher scores when rating grant applications under certain homeless grant programs, such as the Continuum of Care Program, to those jurisdictions that have ten-year plans and strategies in place. In 2005, the County received close to $1.4 million through HUD's Continuum of Care grant program for various projects throughout the County. The ten-year plan is intended to address the problems of the "chronically" homeless defined as any individual with a disability, such as mental illness or drug addiction, that is unaccompanied and has either been continuously homeless for longer than one year or has been homeless four or more times within the previous three years. On January 25, 2005, the County headed a "point in time" census of the homeless in the County and found there were 2,103 homeless people with approximately 40 percent or 841 in the Santa Maria area. However, the Good Samaritan Shelter estimates that there are between 200 and 250 chronically homeless persons in Santa Maria on any given day. The County has initiated the planning process to develop a 10-Year Plan to End Chronic Homelessness in Santa Barbara County at an estimated cost of $100,000. The County is requesting the City of Santa Maria contribute $10,000 to assist in the development of the plan. The Block Grants Advisory Committee heard a presentation from County staff on November

14th and the general consensus was in favor of participating in the development of the plan.

Santa Barbara County Director of Housing and Community Development Ed Moses thanked staff and the City Council for the support they have received in the past from the City. He introduced the members of the audience who were in attendance regarding this item.

Councilmember Orach asked about the time frame for completing the plan.

Mr. Moses replied they wanted to have it completed by the beginning of August. If the plan is in place by that time, the County would be eligible for an additional $900,000.

Councilmember Mariscal stated as a representative from the City on the Community Action Commission, it brought to light a lot of need in the County that many people are not aware of. Santa Maria is a growing community, and offering services for people who are homeless and have needs is very important because that segment of the community will also continue to grow. This is the least that the City can do to help the County try to address this problem.

Resolution No. 2006-15 was adopted approving the contribution of $10,000 on motion by Councilmember Mariscal, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-15 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE CONTRIBUTION OF $10,000 TO THE COUNTY OF SANTA BARBARA TO ASSIST IN FUNDING THE DEVELOPMENT OF A 10-YEAR PLAN TO END CHRONIC HOMELESSNESS.

TENTATIVE TRACT MAP FOR CELEBRATION, TRACT 5893, E-2005-08.
Director of Community Development Lindsey gave the staff report. This is a Tentative Tract Map to create a 55 lot mixed-use residential and office subdivision on 6.98 acres with lots ranging in size from 2,000 to 7,000 square feet located on the west side of Miller Street between Inger Drive and Daniel Street in a PD/R-2 zone. The project will result in the creation of 42 single-family residences and 36 townhouse attached units. All of the townhouse units will be located in buildings that include professional offices or live-work spaces for professional office businesses. Each mixed-use building will contain three residences and one professional office or live-work office. Professional offices and live-work spaces will be located on the first floor of the mixed-use buildings, with residences either above or to the side of the offices. The mixed-use buildings will be located along the major street frontages and the single-family homes will be located on new interior private streets. The project will include two neighborhood serving parks, one at the front of the residential project and the drainage basin. On December 21, 2005, the Planning Commission adopted Resolution No. 2396, on a 4-0 vote with Commissioner Hunter absent, recommending that the City Council approve a Mitigated Negative Declaration and the Tentative Tract Map for Tract 5893, the Celebration project.

Mayor Lavagnino asked if the mixed-use buildings would have office space on the first floor and residential on the second.

Director Lindsey explained that was correct, but there was a small portion that had residential on the first floor and offices on the second and third floors.

Councilmember Mariscal stated there was going to be a turnout for bus service, and asked if there would be corresponding bus service on the north part of Miller or only in front of the County Government Center.

Director of Public Works/City Engineer Sweet explained that this was part of Route 5, and there would be both northbound and southbound service on Miller Street. He said there was also a stop at the corner of Inger Drive and Miller Street.

Councilmember Patino asked for the size of the two open space areas.

Mayor Lavagnino opened the public hearing.

Brian Schwartz, Urban Planning Concepts, stated the owner and applicant for the project was Mr. Terry Flatley of Flatley Homes. He said the intent of the design with the open space was that there would be a small park area as you come into the project from Miller Street. That would be for passive use and be more of a social visiting area. The basin/park area would be the active recreation area. That area will be approximately a quarter to a half acre of space. It will also have an ADA compliant ramp into that space. The smaller passive park area will be about 15,000 square feet. He thanked staff for their work on this project. This project was specifically designed around the goals and objectives of the Mixed-Use Ordinance such as: providing compact design on infill sites with a mixture of housing types, close to shopping and amenities, along the public transportation corridor, with passive and active recreation opportunities. The project will have neo-traditional elements. The units along Miller Street, Inger Drive and Daniel Street will be located close to the sidewalks with no walls to create a more attractive street scape that draws pedestrians into the commercial spaces on the first floor. Almost every unit has its own two-car garage, and the project has an overall parking average of 2.75 spaces per unit.

Dick DeShaw, President of the Corral Tree Villas Homeowners Association, asked if a new wall would be installed between their parking area and the new project.

Mr. Schwartz indicated there would be a new wall constructed, and he and Mr. Flatley would be happy to work with him on the removal of the existing wall.

Mayor Lavagnino closed the public hearing.

Councilmember Orach stated this area has been vacant for a long time and is ripe for this type of project. This project will allow people to shop without having to get into their cars and will enhance the commercial businesses in the area.

Councilmember Patino asked how many bedrooms the units would have.

Terry Flatley replied that the 42 single family homes averaged about 1,500 square feet. One of the units that is three story would be around 2,000 square feet. The residential units in the mixed-use buildings would be 1,100 – 1,300 square feet.

Councilmember Patino stated her concern was that these were single family homes that would probably attract families with children, and there was so little open space for children to play.

Councilmember Mariscal asked about the plan for parking during the day with the combination of residential and commercial.

Mr. Flatley stated all the shared parking would be addressed in the Covenants, Conditions, and Restrictions (CC&Rs). Each of the homes will have a two-car garage, and the parking for the commercial spaces will be covered in the CC&Rs. After the businesses close for the day, the parking would become guest parking.

Laurie Tamura, Urban Planning Concepts, stated the Mixed-Use Ordinance did allow higher densities, and there were compromises with higher densities. There probably would be families living in the project, but predominately they expected it to be professional couples or singles who wanted to run a business out of their home. The project has adequate parking. They had tried to listen to everyone's concerns and design the project to address those concerns.

Resolution No. 2006-13 was adopted approving a Mitigated Negative Declaration of Environmental Impact, on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-13 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING MITIGATED NEGATIVE DECLARATION (E-2005-008) AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR CELEBRATION, TRACT 5893, LOCATED AT THE SOUTHWEST CORNER OF MILLER AND INGER STREETS.

Resolution No. 2006-14 was adopted approving the Tentative Tract Map for Celebration, Tract 5893, on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-15 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR CELEBRATION, TRACT 5893, LOCATED AT THE SOUTHWEST CORNER OF MILLER AND INGER STREETS.

FAMILIES FOR THE FIRST DECADE.

Director of Recreation and Parks Posada gave the staff report. The work of the FFD Project is primarily completed by the community-based organizations represented in the FFD Collaborative. The original Youth Services Collaborative was formed in January 2000 in order to provide coordinated programs and services for teens at the Abel Maldonado Community Youth Center. When the City Council launched the FFD Project in 2002, the mission of the Collaborative expanded its scope of work to include children of all ages, with special attention given to the well-being of the family unit as a whole. Since its inception, the agencies involved with the FFD Project have represented a diverse cross-section of public and private agencies, faith-based organizations, businesses and individuals. The FFD project oversees the City's Youth Employment Services. Some of the other work groups include the "Healthy for Life" Work Group, the "Peace Through Community Spirit" Work Group, the "Seeds for Self Reliance" Work Group, and the "Destination Graduation" Work Group. Several years ago, the City restructured the application process for the Community Development Block Grants (CDBG) to align their proposals with the work of the FFD Collaborative. In response to current trends, the FFD Project has increased its efforts to promote health and wellness by promoting regular physical activity and healthy nutrition. The "Healthy for Life" Work Group is working with local school districts offering support as they write wellness policies during the 2005-06 school year. The City of Santa Maria FFD Project secured a third year of funding from the Santa Barbara County Workforce Investment Board (WIB) bringing their total investment to $854,000. The Collaborative partners involved with the FFD Project are finalizing items to include in the 2006 Plan of Action. Some activities scheduled for next year include working with each school district as they develop and implement their wellness policies, monitoring the progress of "Preschool for All," developing new child care programs to better meet the needs of parents, offering additional parent education opportunities and hosting a teen pregnancy prevention event featuring Dr. Meg Meeker. One strategy for the 2006-07 CDBG application is to request funding that will retain the youth component while providing the additional staff needed to support the health and wellness programs proposed by the "Healthy for Life" Work Group.

Councilmember Orach asked if Barbara Wiley supervised the FFD program.

Director Posada replied that Barbara Wiley was the Recreation Coordinator for the FFD program. Her staff consists of a Program Coordinator specifically for FFD, a Program Coordinator funded partially by the County for the early childhood and families program, and the WIA grant also has two contract staff persons who work in the office.

Councilmember Mariscal stated he was troubled by the fact that the staff report indicated the overall participation from the school districts was inconsistent. He asked how the City could be more successful in getting the school districts more involved.

Director Posada responded he thought staff had to engage the districts more. He said he thought the districts were approachable, and staff needed to make that more of a priority this coming year. He said he would be in contact with each of the superintendents.

Councilmember Mariscal stated while he was not on the Council when the FFD program was instituted, he did not think the direction of the Council had changed. He said the part of the staff report that indicated the agencies applying for Community Development Block Grant funds were encouraged but not required to be part of the FFD program concerned him. He said he would like to reiterate the original direction from City Council that those agencies that interact or have the ability to interact with FFD need to utilize part of the CDBG funds for FFD project. He asked about developing a way to reward the good behavior of families and youth. He said most of the programs were designed to bring youth back into the mainstream and did not recognize those youth that were doing well.

Director Posada commented that he had been discussing that with CDBG staff. It was on the application for CDBG funds that the agencies list how they plan to address the goals of FFD in their programs. There may be a need for more clarification. The youth that participate in FFD programs are not necessarily disadvantaged or at risk. The City is looking for any youth, especially in the Youth Employment Program.

Councilmember Orach asked if the City measured the outcomes of the FFD program.

Director Posada stated for agencies receiving CDBG funding, they do work in partnership with the agencies to measure outcomes.

Councilmember Orach stated he remembered that the Council had charged all departments to participate in trying to institute changes that would make the community a better place to live. He asked if there had been much success with departments.

Director Posada stated there was good participation from those departments, especially with those departments that have specific contacts. The Police Department helps with the PAL program, the youth dances, and the Resources Officers at the schools are one of the conduits for his department to get information. He said other departments have been helpful in numerous ways.

Rick Pushies, Boy Scouts of America, stated he wanted to thank the Council for its support of the FFD program and its importance to the Boy Scouts of America and their ability to reach out to the youth of the community.

Dave Ericson asked where collaboration ended and conflict of interest began. Years ago the United Way was the consulting organization that advised the Council on CDBG monies. When that was changed, it became a Council appointed committee which exists today. It shifted taxpayer's money from a volunteer committee to a taxpayer appointed committee. He said his concern was where did collaboration let off between United Way and the FFD and other programs, and when did it become a conflict of interest.

Robin Palmerston, the Children's House Montessori School, thanked the City for the opportunity to participate in a number of FFD projects. The FFD project has been a way for agencies and organizations to come together and talk about families and learn about the community and how to make their organizations more effective. There have been two specific projects that the Children's House Montessori School has worked with the

FFD project to put on. One is the Peace Camp and the Peaceful Impressions Conference. The other was a Fall Family Festival at the school.

On motion by Councilmember Mariscal, seconded by Councilmember Orach and carried unanimously, the report was received and filed.

AMENDMENT TO MUNICIPAL CODE RELATING TO TRESPASSING

Senior Deputy City Attorney gave the staff report. The Police Department is experiencing a large number of calls for service concerning trespassers on private property. A typical call for service reports that an individual is loitering or disturbing the peace on private property such as the parking lot of an apartment complex, motel or shopping center. Often, the same individual will return to one address after an initial call for service. Officers from the Community Services Unit contacted other cities to find out whether they are experiencing similar problems. The City of Los Angeles has been experiencing problems with drug dealing, loitering and gang congregations for many years in the parking lots of hotels, multi-family residences and some businesses. The situations that occur are not always covered by provisions of State trespassing law (Penal Code §602). Consequently, the City of Los Angeles has developed and implemented a local ordinance to address other trespassing situations such as presence without authorized consent on property posted "not open to the general public"; presence without authorized consent on property closed to the public, where the individual has been notified to keep off on pain of arrest; presence without authorized consent on property open to the public, where a proper request to leave has been made and an advisement has been given. After reviewing Los Angeles' program, the Community Services Unit requested that a similar ordinance be presented to the Council for its consideration. Police officers would administer and enforce the ordinance by first requesting that business and residential owners, with accessible areas such as open parking lots, post their property as "not open to the public." Police would also require that advisements be given as a prerequisite to issuing any citation for trespassing under the amendments.

Councilmember Orach stated a lot of the proposed changes have to do with signage. He asked if any of those signs would violate the City's sign ordinance.

Senior Deputy City Attorney Stockton stated staff would be charged with making it work. The signage would be posted at the entrance of the property and the four corners of the property.

Councilmember Patino asked if the ordinance went far enough to give the Police Department what they needed.

Sergeant Haley replied he believed that it did. It addressed the three primary areas they were concerned about. The locations specifically addressed were schools which are closed to the public, however, State statues do not address the problems that are occurring; motels and apartment complexes; and those areas open to the public like shopping centers.

Ordinance No. 2006-01, amending Chapter 2 of Title 6 relating to trespassing on private property, was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-01 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 2 OF TITLE 6 RELATING TO TRESPASSING ON CERTAIN PRIVATELY OWNED PROPERTY.

LAS FLORES RANCH PROPERTY ACQUISITION

Director of Utilities Chisam gave the staff report. The Las Flores Ranch property is approximately 1,778 acres located between Orcutt and Los Alamos on the east side of

Highway 101. The majority of the ranch has been decommissioned from oil production. A small area of the ranch has ongoing oil production through a series of operating contracts and subcontracts with various oil companies. For many years, City staff has recognized the need to find a new landfill site to replace the existing landfill on East Main Street. In 2001, Santa Barbara County and the cities within the County formed a Multi-Jurisdictional Solid Waste Task Group (MJSWTG) to begin planning for the solid waste issues facing Santa Barbara County. The MJSWTG adopted a Long-Term System Options Plan in 2003 which recommended a replacement for the existing Santa Maria Landfill for the Santa Maria Valley wasteshed and appointed the City of Santa Maria as the lead agency. City staff identified potential landowners with sufficient property who were interested in selling their property to the City for a new landfill. Following a conceptual agreement with these landowners, the City performed Biological and Feasibility Studies on several sites to ensure there were no significant issues that would exclude landfill construction. On December 5, 2005, the MJSWTG reviewed the proposed site and endorsed the acquisition for landfill purposes. During this review process, staff recognized that recreational land uses were also very appealing even if the landfill portion of the project was not constructed. Today, the City has a one-hundred acre deficit in the open space goals established by the General Plan. Acquiring this property would eliminate that deficit. Since many recreational activities such as equestrian centers, youth programs, bicycling and hiking trails, and other activities, are not easily accommodated within the urban setting of our City, it makes sense to provide a place where people can enjoy these activities in more rural surroundings. The Chevron-owned property consists of 1,778 acres which can be acquired for approximately $1,419 per acre for a total purchase price of $2,522,200. As part of the Purchase and Sale Agreement, the City was able to negotiate a Site Mitigation Agreement providing 25 years of liability protection.

Mayor Lavagnino stated there are existing leases on that property to run cattle. He asked if the City of Santa Maria was going to honor those leases.

Director Chisam responded the leases would have to be redone, but the plan would be to continue those leases.

Mayor Lavagnino stated the property was absolutely a gorgeous piece of property. The recreation uses that will be available on it will be amazing. It will be a big part of the City's recreational plan in the future.

Councilmember Mariscal said he agreed it was a beautiful piece of property. What the Council is doing is looking to the future of the community. He talked about the liability. For municipal uses 1,000 parts per million is acceptable, but for residential it is 100 parts per million. One of the caveats of this purchase is that the City could not use the property for residential development. The sites that had more than 1,000 parts per million have already been mitigated.

Director Chisam stated there are portions of the site that have been completely mitigated and those would be the areas identified for future recreational activities. Some areas that still need to be mitigated are identified in a plan that Chevron will be implementing over the next few years to clean up the balance of the sites associated with the property.

Dave Ericson stated he would like to see something written into the contract that housing would not be excluded pending proper mitigation. He said a lot of houses in Santa Maria are built on old oil wells. He said in the future there might be ways to mitigate the property so it could be used for housing to augment the limited space available within the City limits. He also suggested the property be used for the Central Coast Motorcross instead of at the Fairpark.

Tom Gibbons, Blochman Union School District, stated their School District overlaid part of this site. He said because of the minimal description of the intent of the City regarding the use of the property, there was a concern that it might impact the District. He said before the City finalized the deal, they wanted to meet with the City to see what was actually proposed for the property.

Director Chisam volunteered to meet with Mr. Gibbons and members of the School District to discuss their concerns.

Councilmember Trujillo commented that purchasing this piece of property was a good idea. Like the Council who purchased State water 30 years ago, this was looking forward for the community.

Councilmember Patino stated she looked at it as a great recreational opportunity for all the people in the area. It would be a great place to have bicycle paths. This would allow recreational uses that are more creative and innovative.

Councilmember Mariscal stated this property would never be used for residential development. He talked about several other pieces of property in the immediate area that were for sale. This property is not within the City of Santa Maria city limits so any residential development would have to be approved by the County.

Resolution No. 2006-16 was adopted approving the real property acquisition of Las Flores Ranch on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-16 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING REAL PROPERTY ACQUISITION FROM CHEVRON ENVIRONMENTAL SERVICES COMPANY FOR FUTURE MUNICIPAL OPERATIONS.

Director Chisam recognized the individuals who worked on this project including Solid Waste/Utilities Engineer John Zhao, former Public Works Director Paul Karp, and real estate agent Steve McCarty who helped locate the property and negotiate the price.

REPORT BY CITY MANAGER

City Manager Ness recognized Rick Sweet, the new Director of Public Works/City Engineer. He announced that the Council would be adjourning this meeting to the Council Goal Setting Workshop on January 25th at 9:00 a.m. He also reported on items for the next regular City Council meeting on February 7, 2006, including appointments to the Code Compliance Board, Recreation and Parks Commission, All-America City Committee, and the Landmark Committee; Annual Technical Amendments to the Municipal Code; the Mid Year Financial Report; and the Chamber of Commerce's and Economic Development Commission's Semi-Annual Reports.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Trujillo stated on January 9th he spoke to the National Association of the Mentally Ill. It was interesting that so many veterans of the Vietnam War have mental problems. As a veteran of the Vietnam War, he sympathized with the people and what they are trying to do.

Councilmember Trujillo also reported that he had served as the installation officer for the Filipino Senior Citizens at the Filipino Community Center on January 14th.

Councilmember Orach reported on the Fighting Back Santa Maria Youth Group's 2nd Annual Valley Superstar Showdown fundraiser at the PCPA Theatre on Saturday. He said it allowed high school students to display their talent. The winners were Miguel Cardenas, Yesenia Dominquez, Jennifer Lopez and Jose Zepeda, and Heather Houghton.

Councilmember Patino stated PCPA did a wonderful job of hosting the event. The youth group ran the whole thing and did a great job. She read the list of businesses who donated to the event.

Councilmember Mariscal reported on the Martin Luther King celebration. The Mayor gave a great speech and there was great entertainment. The keynote speaker was Judge Melville whose speech was very moving.

CLOSED SESSION
The City Council recessed to a Closed Session at 9:10 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; and Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Rubalcava v. City of Santa Maria.

After the Closed Session, the following was announced:

Conference with Legal Counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Conference with Legal Counsel regarding Rubalcava v. City of Santa Maria – Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:43 p.m. by order of Mayor Lavagnino.

APPROVED

February 7, 2006
Date

Patricia Alberg
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST: Patricia Alberg
Chief Deputy City Clerk

S. Lavagnino
Mayor of the City of Santa Maria